



PATENT
Customer No. 22,852
Attorney Docket No. 9140.0014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Demaray, et al.) Group Art Unit: 1731
Serial No.: 09/903,081) Examiner: John M. Hoffmann
Filed: July 10, 2001)
For: AS-DEPOSITED PLANAR OPTICAL)
WAVEGUIDES WITH LOW)
SCATTERING LOSS AND)
METHODS FOR THEIR)
MANUFACTURE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated December 16, 2003, the Examiner required restriction under 35 U.S.C. § 121 between

Group 1 - Claims 1-13, drawn to an optical fiber device, classified in class 385, subclass 129.

Group II - Claims 14-29, drawn to a method of making a planar waveguide, classified in class 65, subclass 386.

Applicants provisionally elect to prosecute Group II, claims Claims 14-29, drawn to a method of making a planar waveguide, classified in class 65, subclass 386.

Further, the Examiner indicates that if Group II is elected, that an election of species must also be made. Without necessarily agreeing with the Examiner's assessment of the patentably

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distinct species, Applicants believe that the following claims are identifiable with the Examiner's definitions of the species:

Species A, where the core material is transferred from the tart to the ridge structure, includes claims 15-20 and 24-25;

Species B, where the core material is created by reaction between the target material and a gas, includes claims 21-23; and

Species C, where the core material is created on the structure, includes claim 28.

Claims 26-27 and 29 do not clearly fall within any of these defined species and should be grouped, with claim 14, as more generic claims.

Applicants believe that claim 14 is allowable. However, in the event that claim 14 is not considered to be allowable by the Examiner, Applicants choose to continue with Species A.

In summary, for purposes of this restriction requirement, Applicants choose to continue in this application with Group II claims, claims 14-29. Further, Applicants choose Species A of the Group II claims, claims 15-20 and 24-25, to prosecute in the event that generic claim 14 is found not allowable.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: January 16, 2004

By: 

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